

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:13-cv-00203-MR-DLH

**MOUNTAINEER FINANCIAL
SERVICES, LLC,**)
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Plaintiff,)
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vs.)
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)
CITY OF HENDERSONVILLE)
NORTH CAROLINA,)
)
)
Defendants.)
)

ORDER

THIS MATTER is before the Court *sua sponte*.

On July 29, 2014, the Court entered an Order directing the Plaintiff to obtain new counsel and have counsel enter an appearance within ten (10) days of the entry of the Order. [Doc. 24]. The Magistrate Judge noted that a corporation may not appear in federal court *pro se*. [Id. (citing Rowland v. Cal. Men's Colony, Unit II Men's Advisory Council, 506 U.S. 194, 201-02 (1993)]. The Plaintiff was specifically advised that the Magistrate Judge would recommend that the District Court dismiss the action if the Plaintiff failed to obtain new counsel within ten (10) days of the entry of the Order. [Doc. 24].

The Clerk mailed a copy of the Order to the Plaintiff's registered agent Nathan Walker, at 1400 Spartanburg Hwy, Hendersonville, North Carolina 28792, but such mail was returned as undeliverable. The Order was also provided to the Plaintiff's counsel, and he was directed to serve a copy of the Order on the Plaintiff. [Doc. 24]. More than ten (10) days have now passed, and the Plaintiff has failed to obtain new counsel as required by the Court's Order. Accordingly, the Court will dismiss the Defendant's Motion for Summary Judgment [Doc. 21] as moot and will dismiss this case.

IT IS, THEREFORE, ORDERED that the Defendant's Motion for Summary Judgment [Doc. 21] is **DENIED AS MOOT**, and that this case is **DISMISSED**.

IT IS SO ORDERED.

Signed: September 5, 2014



Martin Reidinger
United States District Judge
